



IDL ADMINISTRATIVE RULES AND NEGOTIATED RULEMAKING

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June 16, 2009 Negotiated Rulemaking

Thirteen members of the public and three IDL employees attended this session. Several changes were made to the Lake Protection Rules (02.03.04) and some of the changes were reformatted to conform with the state rule writing standards (e.g., strikeouts precede new text).

Updated tables of the specific changes can be read here:

- [Table of draft changes to 20.03.04](#)
- [Table of draft changes to 20.03.17](#)

Here are the updated draft rules:

- [Lake Protection Rules Draft Changes](#)
- [Submerged Leasing Draft Changes](#) (no changes were made from the previous draft)

These are draft copies of proposed rule changes. For official rules, see this website:

- <http://adm.idaho.gov/adminrules/rules/idapa20/20index.htm>

Several other changes were discussed but no resolution was reached. Some sections of the rules were highlighted in yellow to indicate that additional work is needed. These topics include:

1. The definition of "covered slip" in Subsection 010.12 specifies a tubular frame and no eaves. Several participants would like the option to use wood or other materials and include eaves in order to match the architecture of upland structures. IDL expressed concern about the visual impact of such slip covers and how they would look more like buildings on the water. IDL has also experienced problems in the past with such covered slips being easily converted to boat garages.
2. The treatment of float homes in Subsection 015.03 was discussed at length. Several participants would like float homes to be removed from the comparison with boat slips (two public boat slips per private float home moorage in paragraphs f and g), or have the comparison made based on the exact square footage of the float home and boat slips involved. Some participants claimed that the current rule language was forcing marinas



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to privatize float homes, or would prevent the creation of an all float home marina. IDL and others disagreed, and stated that market conditions and marina owners are determining how float home moorage is being treated. IDL also stated the need for a simple process to address private float home moorage.

3. The determination of "similar size and quality" in paragraphs 015.03.f and g was also discussed. This was related to item 2 above, and some more clarification on how IDL determines "similar size" was requested. IDL is comfortable with the current language that leaves some flexibility in determining what is "similar", but some participants want more tangible criteria (slip square footage, length, etc.) to be used so applicants and others can use the same methodology in determining "similar".
4. The requirement for yearly sewer inspections may be burdensome, and a request was made to change this requirement.
5. Construction standards for float homes were requested by several participants. They are concerned about the structural integrity of float homes and how construction can change their center of gravity. A sunken or overturned float home could endanger adjoining float homes, boats, or persons. Some draft language was inserted regarding this issue, and it will be further discussed at a later session.
6. Boat lifts were discussed at length. Many participants requested that either boat lifts be excluded from a permitting process or they be allowed to go through an abbreviated permitting process if they will not infringe on a neighbor's littoral rights. IDL expressed concern about creating new permitting processes and coming up with easy to implement criteria for determining what permitting process would be followed.
7. The criteria for determining what a "permanent device" is to anchor floating toys in subparagraph 015.14.b.i was discussed. Some draft language to be more specific is included in the new draft changes, and will be discussed again at a later session.
8. Participants had a discussion concerning rearrangement and changes to commercial marinas. A question was posed as to whether or not a permit would be required. Subparagraph 020.05.b.ii is somewhat unclear, and clarification may be needed.